

FILED BY S
05 OCT 11 AM 8:45
CLERK U.S. DISTRICT COURT
WD OF TN JACKSON
D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
VS.)	No. 02-10026-T
)	
JACKIE L. ELLIOTT,)	
)	
Defendant.)	

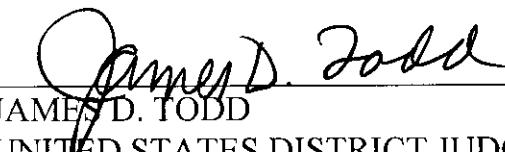
ORDER ON MOTION FOR EXCESS COMPENSATION

On March 25, 2005, the Sixth Circuit Court of Appeals affirmed the conviction of defendant Jackie L. Elliott, but remanded for resentencing in accordance with United States v. Booker, 125 S. Ct. 738 (2005). Jon A. York was appointed to represent the defendant on resentencing pursuant to the Criminal Justice Act (“CJA”), 18 U.S.C. § 3006A.

The Court conducted a resentencing hearing on August 3, 2005. Counsel has now submitted a CJA voucher and a motion for excess compensation in connection with his representation of the defendant. The motion for excess compensation is based on the assumption that the representation falls under the category of “Other” in § 3006A(d)(2), for which the maximum amount of compensation is \$1,500.00 for each attorney in each proceeding. Counsel seeks a total of \$3,087.00 for legal services rendered and \$65.32 in expenses.

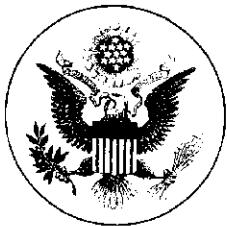
Section 3006A(d)(2) also provides that in cases in which a felony is charged, the maximum amount of compensation for each attorney in each proceeding before the district court or a magistrate judge is \$7,000.00. Even though this was a resentencing on remand from the Sixth Circuit rather than the original sentencing, it was still part of the same felony proceeding before this Court. Thus, the Court determines that the \$7,000.00 limit on compensation applies rather than the \$1,500.00 limit. Accordingly, counsel's motion for excess compensation is DENIED as unnecessary.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE


DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 134 in case 1:02-CR-10026 was distributed by fax, mail, or direct printing on October 12, 2005 to the parties listed.

Jon A. York
PENTECOST GLENN & RUDD, PLLC
106 Stonebridge Blvd.
Jackson, TN 38305

James W. Powell
U.S. ATTORNEY'S OFFICE
109 S. Highland Ave.
Ste. 300
Jackson, TN 38301

Honorable James Todd
US DISTRICT COURT